

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: **MAY 25, 2006**

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Stec
Kenny
Mason

Kate Hogan, District Attorney
Robert Iusi, Director, Probation
Amy Bartlett, First Assistant County Attorney
Joy McLaughlin, Administrator, Assigned Counsel
William Thomas, Chairman
Joan Parsons, Commissioner of Administrative
and Fiscal Services
Joan Sady, Clerk of the Board
Supervisor Barody
Supervisor Geraghty
George Stec, Queensbury
Lincoln Cathers, Queensbury
Nicole Livingston, Second Deputy Clerk

Committee Member Absent:

Supervisor VanNess

Mr. Tessier called the meeting to order at 10:30 a.m.

Motion was made by Mr. Mason seconded by Mr. Stec, and carried unanimously to approve the minutes of the March 30, 2006 meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Kate Hogan, who distributed copies of the Agenda packet, a copy of which is on file with the minutes.

Ms. Hogan began the Agenda review with Item 1, a resolution request to allow the District Attorney's Office to enter into an agreement with Bounceback, Inc. to pursue collection of bad checks. She explained if this request was approved, she would meet with the Chamber of Commerce and would advise every business owner in Warren County that there would be a new option for them if they received a bad check. She stated many times in these situations, business owners would absorb the costs themselves or they would either go to Small Claims Court or contact the Police. She said this would give business owners a fourth option. She apprised that Bounceback, Inc. would recover all of the monies for the business owner. Ms. Hogan expounded Bounceback, Inc. would charge the offender a fee of \$35, as well as a requirement to purchase a video for \$85, which was an educational tool on how to manage finances.

Mr. Iusi left the meeting at 10:35 a.m.

Ms. Hogan further explained that Bounceback, Inc. would go after the person that wrote the bad check and if the money was not recovered within 90 days, then it would be turned over to the District Attorney's Office for prosecution. She noted there would

be no cost to the County and if approved it would be implemented County-wide. She added there would not be a minimum amount required for the company to take action against the writer of a bad check, although, she said she was going to exclude monthly rental checks.

A motion was made by Mr. Stec and seconded by Mr. O'Connor to approve the request as outlined above.

Mr. O'Connor questioned what method Ms. Hogan would use to notify all the business owners and Ms. Hogan replied she planned to contact the Adirondack Regional Chamber of Commerce and ask them for permission to speak at one of their meetings and to possibly send the information out in a newsletter.

Following discussion, the question was called and the motion was carried unanimously to authorize the District Attorney's Office to enter into a contractual agreement with Bounceback, Inc. to pursue the collection of bad checks. A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the next board meeting.

Continuing the Agenda review, Ms. Hogan apprised she had included in the Agenda a fax from the Saratoga County District Attorney's Office which was a Resolution adopted by Saratoga County that prohibited convicted sex offenders of living within 1000 feet of schools and parks. She stated that she would like to do the same in Warren County and she noted she would need to set it up for a public hearing because it would require a local law.

A motion was made by Mr. Mason and seconded by Mr. Stec to approve the request as outlined above.

Mr. Stec thanked Ms. Hogan for pursuing this and agreed that it should be left up to the courts to decide whether it would be constitutional or not. He questioned if the County wanted to model their resolution exactly as the other counties had done or did they want to be more restrictive. Ms. Hogan responded that she had spoken with Paul Dusek, County Attorney, about that and 1000 feet did not seem unduly harsh to a sex offender when it could be supported with the recidivism rates.

Mr. Iusi returned to the meeting at 10:47 a.m.

General discussion ensued.

Mr. Barody and Mrs. Parsons left the meeting at 10:51 a.m.

Following the discussion, the question was called and the motion was carried unanimously to authorize the County Attorney to prepare a proposed local law regulating residency and other activities of sex offenders. The necessary resolution was

authorized for the next board meeting.

Returning to the Agenda review, Ms. Hogan said she had a resolution request to allow the District Attorney's Office to sign up for an electronic signature system with the Department of Criminal Justice for grant reporting purposes. She added that they had been applying for grants electronically and an electronic signature was required when sending an original application.

A motion was made by Mr. Stec and seconded by Mr. Kenny to approve Items 3 and 4 on the Agenda.

Ms. Hogan expounded Item 4 was a resolution request for out-of-state travel to allow Kellyann Kostyal to travel to Topeka, Kansas for training at the National Victim Assistance Academy. She explained that Ms. Kostyal was the Crime Victims Specialist; the training would be fully funded through her grant and it would assist the Department in obtaining other grants when they could show how credentialed Ms. Kostyal was.

The question was called and the motion was carried unanimously to approve Items 3 and 4 as outlined above. Copies of the resolution request forms are on file with the minutes and the necessary resolutions were authorized for the next board meeting.

Ms. Hogan concluded her Agenda review with Item 5, staffing needs and concerns. She stated she had planned on raising her staffing concerns at budget time, but she wanted the committee members to be aware that whatever would be considered in regards to Sheriff Cleveland's request for more officers, there would be a corresponding impact on the District Attorney's Office. She noted her Office would need to be considered and enhanced in the same comparison as the Sheriff. She added that the District Attorney was the only agency in the County that handled every case that went through the County, which included every felony, misdemeanor, violation, traffic offense and the criminal appeals.

Ms. Hogan further noted that the Public Defender's Office handled 28% of the criminal cases in this County and their staff consisted of a Public Defender and four assistants. She added her Office handled 100% of the criminal cases and that staff consisted of one District Attorney and six assistants. She stated that Sheriff Cleveland was accurate in that the topography, the complexion and the nature of this County had changed. She pointed out that Warren County consisted of 65,000 people during the year, but according to the Tourism Department there were 2 million summer residents.

Mr. W. Thomas entered the meeting at 10:55 a.m.

Mr. Tessier informed Ms. Hogan that her staffing issues would be addressed at budget time regardless of what might happen with the Sheriff's request. Mr. Stec added that at budget time when the Board considered staffing increases, he suggested that Ms.

Hogan have historical, statistical data which would make it easier to justify the increases.

Mr. Barody returned to the meeting at 11:04 a.m.

Privilege of the floor was extended to Robert Iusi, who distributed copies of the Agenda packet, a copy of which is on file with the minutes.

Mr. Iusi began the Probation Departments Agenda review with Item 1. He apprised he had a resolution request to amend the County budget to accept Warren-Washington Victim Impact Panel Fund Check No. 304 in the amount of \$500 for the Warren County Juvenile Treatment Court. He explained he needed funding for incentives for the Juvenile Drug Court and the \$500 that he had received from the Warren-Washington Victim Impact Panel would be an annual gift to the Probation Department.

A motion was made by Mr. Kenny, seconded by Mr. Mason and carried unanimously to amend the County budget to increase estimated revenues and appropriations in the amount of \$500 and to refer the same to the Finance Committee. A copy of the resolution request form is on file with the minutes.

Mr. Iusi stated Item 2 on the Agenda was a request for a transfer of funds in the amount of \$18,415.47. He explained this was the funding for the Prober-Web Based computer software program and the funds had been placed into Office Equipment (A.3140.220), but should have been put into Supplies (A.3140.410).

A motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the transfer of funds as outlined above and to refer the same to the Finance Committee. A copy of the resolution request form is on file with the minutes.

Concluding the Agenda review, Mr. Iusi apprised Item 3 was in regards to the Hamilton County Probation Department. He stated that the Hamilton County Probation Department position of Probation Director was vacant and they were thinking about merging with larger counties. He said he and Chairman William Thomas had met with Bill Farber, Chairman of the Hamilton County Board of Supervisors, to familiarize themselves with each others county. Mr. W. Thomas added that Senator Little was very much in favor of consolidation of services and he thought there was common ground between Warren County and Hamilton County and felt it was worth exploring further.

Mr. Tessier stated it was the consensus of the committee to continuing exploring the possibility of consolidating services with Hamilton County and directed Mr. Iusi to come back next month to the committee with the numbers as to how many people it would take to make this happen and how it would be paid for.

Privilege of the floor was extended to Amy Bartlett, First Assistant County Attorney,

who expounded she had three resolutions that needed to be amended. The first, she said, was to amend Resolution No. 272 of 2004 to change section 4 (B) from interim estimate to interim voucher and to acknowledge Conflict Defender in Glens Falls and Queensbury. She stated the next request was to amend Resolution No. 98 of 2006 to change the title of Public Defender Administrator/Coordinator to Assigned Counsel Administrator. The last request, she apprised, was to amend Resolution No. 99 of 2006 which authorized the agreement with Legal Aid Society of Northeastern New York, Inc. for Family Court Conflict Cases. She noted the resolution had stated the term of the contract would expire December 31, 2006, but it needed to be April 30, 2007 because the contract did not begin until May 1, 2006.

A motion was made by Mr. Stec, seconded by Mr. Mason and carried unanimously to approve the three resolution requests as outlined above. Copies of the resolution request forms are on file with the minutes and the necessary resolutions were authorized for the next board meeting.

Ms. Bartlett requested an executive session to discuss the employment history of a particular person.

A motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 11:20 a.m. to 11:23 a.m.

Committee reconvened.

Pursuant to executive session, motion was made by Mr. Mason, seconded by Mr. Bentley and carried unanimously to amend Resolution No. 369 of 2004 to streamline the duties and responsibilities of the Assigned Counsel Administrator and to change the reporting responsibility from the Commissioner of Administrative and Fiscal Services to the Criminal Justice Committee and refer the same to the Personnel Committee. A copy of the resolution request form is on file with the minutes.

There being no further business to come before the Committee, on motion by Mr. Bentley and seconded by Mr. Stec, Mr. Tessier adjourned the meeting at 11:25 a.m.

Respectfully submitted,

Nicole Livingston
Second Deputy Clerk